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Representing the United States of America

***UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA***

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

STEVEN A. HOLPER, M.D.,

Defendant.

2:18-cr-00037-JAD-NJK

**STIPULATION FOR A
PROTECTIVE ORDER**

The parties, by and through the undersigned, respectfully request that the Court issue an Order protecting from disclosure to the public, or any third party not directly related to this case, any documents, recordings, or other tangible things produced by the Government during discovery, containing medical records and personal health identifying information of patients and financial records. The parties state as follows:

1. The indictment on this case was first issued on February 7, 2018, and unsealed February 13, 2018 (ECF No. 1).

1 2. Trial is currently set for April 10, 2018 (ECF No. 12). A proposed Complex
2 Case Schedule has been filed with the Court (ECF No. 24). The Office of the Federal
3 Public Defender was appointed to this case on February 13, 2018, and Assistant Federal
4 Public Defender, Christopher P. Frey, filed a Notice of Appearance on March 14, 2018
5 (ECF Nos. 16, 20 and 21). Upon the appointment of the Federal Public Defender's Office,
6 the Government desires and intends to produce discovery as soon as possible.

7 3. The indictment in this case arises out of distribution of narcotics and health
8 care fraud. As a result, there more than 100,000 pages of patient medical records and
9 personal health identifying information of patients and financial records.

10 4. The Government believes that dissemination of the patient medical records
11 and personal health identifying information of patients and financial records, could lead
12 to the endangerment of patients' identities and information.

13 5. In order to protect the privacy of the patients and witnesses, the parties
14 intend to restrict access to the Discovery Material in this case to the following
15 individuals: the defendant, attorneys for all parties, and any personnel that the
16 attorneys for all parties consider necessary to assist in performing that attorney's duties
17 in the prosecution or defense of this case, including investigators, paralegals, experts,
18 support staff, and any other individuals specifically authorized by the Court (collectively,
19 the "Covered Individuals").
20

21 6. Without leave of Court, the Covered Individuals shall not:

- 22 a. make copies for, or allow copies of any kind to be made by any other
23 person of the Discovery Material in this case;
24 b. allow any other person to read, listen, or otherwise review the

1 Discovery Material;

- 2 c. use the Discovery Material for any other purpose other than
3 preparing to defend against or prosecute the charges in the
4 Indictment or any further superseding indictment arising out of this
5 case; or
6 d. attach the Discovery Material to any of the pleadings, briefs, or other
7 court filings except to the extent those pleadings, briefs, or filings are
8 filed under seal.

9 7. Nothing in this stipulation is intended to restrict the parties' use or
10 introduction of the Discovery Material as evidence at trial or support in motion practice.

11 8. The parties shall inform any person to whom disclosure may be made
12 pursuant to this order of the existence and terms of this Court's order.

13 9. The parties reserve the right to seek to modify the terms of this protective
14 order at a later time pursuant to Federal Rule of Criminal Procedure 16(d)(1). Should a

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1 reasonable need for this protective order cease to exist, on grounds other than a Covered
2 Individual or some other person violating or circumventing its terms, the Government
3 will move expeditiously for its dissolution.

4 10. The defense hereby stipulates to this protective order.

5 Respectfully submitted,
6 For the United States:

7 DAYLE ELIESON
8 United States Attorney

9 /s/ Kilby Macfadden
10 KILBY MACFADDEN
11 ROBERT KNIEF
12 Assistant United States Attorneys

13 For the Defense:

14 /s/ Christopher P. Frey
15 CHRISTOPHER P. FREY
16 Attorney for Steven Holper, M.D.

17 **IT IS SO ORDERED:**

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19 _____
20 THE HONORABLE NANCY J. KOPPE
21 United States Magistrate Judge

22 March 20, 2018

23 _____
24 Date